

SERVED: May 27, 2004

NTSB Order No. EA-5093

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)  
on the 27th day of May, 2004

MARION C. BLAKEY,  
Administrator,  
Federal Aviation Administration,

Complainant,

v.

PAUL E. RICHARDS,

Respondent.

Docket SE-16964

**ORDER DISMISSING APPEAL**

On March 29, 2004, respondent filed a notice of appeal from the written decision Administrative Law Judge William A. Pope, II, rendered in this emergency revocation proceeding on March 19, 2004, granting the Administrator's motion for summary judgment.<sup>1</sup> However, because respondent's appeal brief was not filed on its due date of April 19, 2004, his appeal must be dismissed under section 821.48(a) of the Board's Rules of Practice. See 49 CFR Part 821.

Respondent did, by telephone voicemail on April 20, 2004, indicate a desire for an extension of time to file his appeal

<sup>1</sup>The law judge affirmed an order of the Administrator revoking all airman certificates held by respondent, including Airline Transport Pilot Certificate No. 001843296, Flight Instructor Certificate No. 1843296, Ground Instructor Certificate No. 1949186, and Mechanic Certificate No. 2038816, for his alleged violations of, among several other Federal Aviation Regulations, the prohibition in section 61.59(a)(2) against intentionally false or fraudulent statements.

brief. However, his brief was already one day late. Consequently, his subsequently filed written requests for additional time to file his appeal brief, which do not establish any legal justification for the tardy telephonic notification, are denied.

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief after the deadline, dismissal of his appeal is required by Board precedent. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Ronald S. Battocchi  
General Counsel